

RESOURCES FOR EMPLOYERS ON THEIR RESPONSIBILITIES UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

Starting in 2014, employers with at least a certain number of employees will be subject to the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act (ACA). Under these provisions, employers must offer affordable health coverage that provides a minimum level of coverage to their full-time employees or face an Employer Shared Responsibility payment if at least one of their full-time employees receives a premium tax credit for purchasing individual coverage on one of the new Affordable Insurance Exchanges. See *IRS Questions and Answers on Employer Shared Responsibility Provisions Under the Affordable Care Act*, December 2012.

LeadingAge has compiled a variety of resources for members to utilize in determining their responsibilities under the Employer Shared Responsibility provisions of the ACA. In addition, LeadingAge has included some resources on the Small Business Health Care Tax Credit and a link to the ACA itself.

IRS and HHS Materials on Shared Responsibility for Employers Materials

IRS - Questions and Answers on Employer Shared Responsibility Provisions Under the Affordable Care Act: <http://www.irs.gov/uac/Newsroom/Questions-and-Answers-on-Employer-Shared-Responsibility-Provisions-Under-the-Affordable-Care-Act>

HealthCare.gov - Employers & Self-Employed - Several provisions of the Affordable Care Act provide new coverage options for small businesses, large businesses, and the self-employed: <http://www.healthcare.gov/using-insurance/employers/index.html>

IRS – Notice 2012-17 (2012-9 IRB 430), Frequently Asked Questions from Employers Regarding Automatic Enrollment, Employer Shared responsibility, and Waiting Periods. Available at: http://www.irs.gov/file_source/pub/irs-drop/n-12-17.pdf

IRS – Notice 2012-58 (2012-41 IRB 436), Determining Full-Time Employees for Purposes of Shared Responsibility for Employers Regarding Health Coverage (§ 4980H). Available at: http://www.irs.gov/file_source/pub/irs-drop/n-12-58.pdf

IRS – What you Need to Know about the Small Business Health Care Tax Credit: <http://www.irs.gov/uac/Small-Business-Health-Care-Tax-Credit-for-Small-Employers>

Note: Here is a separate IRS notice on the Effect of Sequestration on the Small Business Health Care Tax Credit: <http://www.irs.gov/uac/Affordable-Care-Act-Tax-Provisions>

Other Resources on Shared Responsibility for Employers

Kaiser Family Foundation – Health Reform Source: <http://healthreform.kff.org/>

Kaiser Family Foundation – Employer Responsibility under the Affordable Care Act (flow chart of penalties): <http://healthreform.kff.org/the-basics/employer-penalty-flowchart.aspx>

Kaiser Family Foundation – Employers FAQs:
<http://healthreform.kff.org/Faq.aspx?tag=employers>

Ernst & Young – The Affordable Care Act: Summary of Employer Requirements:
http://www.franchise.org/uploadedFiles/Employer_ACA_Reference_Deck-10.02.2012.pdf

Jackson Lewis Attorneys Discuss ‘Shared Responsibility’ Penalty of Health Care Reform Law: <https://www.jacksonlewis.com/resources.php?NewsID=4397>

Merit Resources – A Plan of Attack for Health Care Reform from HR Outsourcing Experts: http://info.meritresources.com/blog/bid/193499/A-Plan-of-Attack-for-Health-Care-Reform-from-HR-Outsourcing-Experts?utm_source=facebook&utm_medium=social&utm_content=001ef49b-c059-46e9-bf5b-555c6111cdf0?utm_source=facebook&utm_medium=social&utm_content=001ef49b-c059-46e9-bf5b-555c6111cdf0

Mercer - Health care reform timeline: Key elements of health reform for employers:
<http://www.mercer.com/articles/health-care-reform-timeline>

Additional Resources for Employers

Department of Labor: The DOL has an FAQ sheet for employers as well as a library of resources on the ACA.

Fact Sheet: <http://www.dol.gov/ebsa/faqs/faq-aca2.html>

Series: <http://www.dol.gov/ebsa/healthreform/>

Small Business Majority: The Small Business Majority, a nonprofit advocacy organization, has a list of frequently asked questions specific to businesses and health care reform holds listening tours around the country to help small business owners with questions about health reform: <http://www.smallbusinessmajority.org/hc-reform-faq/>

National Business Group on Health: This nonprofit advocacy organization represents the larger employers’ perspective on national health policy issues and has published a

toolkit for business on health care reform:

http://www.businessgrouphealth.org/toolkits/et_healthcarelaw.cfm

U.S. Small Business Association: This governmental agency is an information resource for small businesses, small business owners and prospective business owners:

<http://www.sba.gov/healthcare>

U.S. Chamber of Commerce: This national business organization has an analysis of key issues facing employers in the ACA: [http://www.uschamber.com/reports/critical-](http://www.uschamber.com/reports/critical-employer-issues-patient-protection-and-affordable-care-act)

[employer-issues-patient-protection-and-affordable-care-act](http://www.uschamber.com/reports/critical-employer-issues-patient-protection-and-affordable-care-act)

Miscellaneous Resources

The full text of the Patient Protection and Affordable Care Act (Pub. L. No. 111-148, 124 Stat. 119 (2010) and the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111- 152, 124 Stat. 1029 (2010)) can be found here:

<http://www.healthcare.gov/law/full/index.html>

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